

CONGRESSIONAL RECORD SUMMARY

Tuesday, April 9, 2002

SENATE

Measures Introduced:

S. 2076. A bill to prohibit the cloning of humans; to the Committee on the Judiciary.

Dorgan

Page S 2412

S. 2077. A bill to make grants to improve public safety in order to prepare for and respond to terrorist threats; to the Committee on Environment and Public Works.

Collins

Pages S 2412, S 2414-15

S. 2079. *A bill to amend title 38, United States Code, to facilitate and enhance judicial review of certain matters regarding veteran's benefits, and for other purposes; to the Committee on Veterans' Affairs.*

"... This bill proposes three amendments to title 38, United States Code, and a free-standing provision relating to the Equal Access to Justice Act. Section 1 of this legislation would amend section 502 of title 38 to allow the United States Court of Appeals for the Federal Circuit, the Federal Circuit, to review and set aside VA changes to the schedule for rating disabilities found to be arbitrary and capricious or in violation of statute. Section 2 would amend section 7261 of title 38 to specify that the United States Court of Appeals for Veteran Claims, the CAVC, shall apply a preponderance of the evidence standard when reviewing findings of fact made by the Board of Veterans Appeals. Section 3 would amend section 7292 of title 38 to permit the Federal Circuit to review CAVC decisions on questions of law. The final section of this legislation would allow the CAVC, when awarding attorneys fees under the Equal Access to Justice Act to award compensation to qualified non-attorney representatives before the CAVC..."

Rockefeller

Pages S 2413, S 2415-16

S. 2080. *A bill to designate a United States courthouse to be constructed in Fresno, California, as the "Robert E. Coyle United States Courthouse;" to the Committee on Environment and Public Works.*

"... It is fitting that the Federal courthouse in Fresno be named for Senior U.S. District Judge Robert E. Coyle, who is greatly respected and admired for his work as a judge and for his foresight and persistence which contributed so much to the Fresno Courthouse project..."

Boxer

Pages S 2413, S 2416

S. 517 - Energy Policy Act:

Senate continued consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto:

Pages S 2389-S 2402, D 297

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute.

Pages S 2389-S 2402, D 297

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Pages S 2389, D 297

S. 517 - Energy Policy Act (Cont'd.):

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Pages S 2389, D 297

Graham Amendment No. 3070 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Pages S 2389, D 297

Reid Modified Amendment No. 3081 (to Amendment No. 2989), in the nature of a substitute. (By 40 yeas to 59 nays (Vote No. 60), Senate earlier failed to table the amendment.)

Pages S 2389-S 2402, D 297

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 9:15 a.m., on Wednesday, April 10, 2002, with a vote on the motion to close debate on ***Feinstein Modified Amendment No. 2989*** to occur at 9:45 a.m. Further, second degree amendments to ***Feinstein Modified Amendment No. 2989***, may be filed until 9:30 a.m.

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Nominations Received:

Senate received the following nominations:

Lillian R. BeVier, of Virginia, to be a *Member of the Board of Directors of the Legal Services Corporation* for a term expiring July 13, 2004.

Robert J. Dieter, of Colorado, to be a *Member of the Board of Directors of the Legal Services Corporation* for a term expiring July 13, 2002.

Robert J. Dieter, of Colorado, to be a *Member of the Board of Directors of the Legal Services Corporation* for a term expiring July 13, 2005. (Reappointment)

Thomas A. Fuentes, of California, to be a *Member of the Board of Directors of the Legal Services Corporation* for a term expiring July 13, 2002.

Thomas A. Fuentes, of California, to be a *Member of the Board of Directors of the Legal Services Corporation* for a term expiring July 13, 2005. (Reappointment)

Michael McKay, of Washington, to be a *Member of the Board Directors of the Legal Services Corporation* for a term expiring July 13, 2004.

Frank B. Strickland, of Georgia, to be a *Member of the Board of Directors of the Legal Services Corporation* for a term expiring July 13, 2004.

Ray Elmer Carnahan, of Arkansas, to be *United States Marshal for the Eastern District of Arkansas* for the term of four years.

Walter Robert Bradley, of Kansas, to be *United States Marshal for the District of Kansas* for the term of four years. *Theresa A. Mellow*, of Kentucky, to be *United States Marshal for the Middle District of Georgia* for the term of four years.

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Committee Meeting:

Committee on the Judiciary: Committee concluded oversight hearings to examine Federal Bureau of Investigations (FBI) reform in the wake of the Hanssen espionage case, focusing on the protection of highly classified secrets in order to ensure national security.

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Committee Meetings for Wednesday, April 10, 2002:

Committee on Appropriations: @ 10:00 a.m. & 2:00 p.m. To hold hearings to examine Homeland

HOUSE

Bills Introduced:

_____ **H.R. 4083.** A bill to provide for enhanced corporate responsibility under the securities laws; to the Committee on Financial Services.

LaFalce

Page H 1152

H.R. 4091. A bill to authorize the *establishment of domestic violence court systems* from amounts available for grants to combat violence against women; to the Committee on the Judiciary.

Solis

Page H 1152

_____ **H.R. 4098.** *A bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes; to the Committee on the Judiciary.*

Conyers

Page H 1153

H.R. 4101. A bill to amend *title 18, United States Code*, to require firearms, ammunition, and explosives purchases to be made in person and to require records to be kept of the means by which the purchases are made; to the Committee on the Judiciary.

Crowley

Page H 1153

H.R. 4108. A bill to amend the Immigration and Nationality Act to improve the administrative structure for carrying out the immigration laws; to the Committee on the Judiciary.

Kolbe

Page H 1153

H.R. 4124. A bill to amend title VI of the Civil Rights Act of 1964 to apply to that title a burden shifting rule currently applicable to title VII; to the Committee on the Judiciary.

Waters

Page H 1153

Reports Filed:

_____ **H. Res. 380**, providing for consideration of **H.R. 3925**, to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management (**H. Rept. 107-393**).

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H.R. 2646 - Farm Security Act:

Motions to Instruct Conferees on the Farm Security Act - Pursuant to clause 7(c) of rule XXII, the following members intend to offer motions tomorrow to instruct conferees on **H.R. 2646**, an act to provide

for the continuation of agricultural programs through fiscal year 2011. Representative Phelps announced his intention to offer a motion to instruct House conferees, to agree to the provisions contained in section 1071 of the Senate amendment, relating to *re-enactment of the family farmer bankruptcy provisions contained in chapter 12 of title 11, United States Code.*

Pages H 1111, D 300

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011, but did not complete action thereon, and will meet again tomorrow.

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Executive Communications:

EC-6065. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule--*Pay for Administrative Appeals Judge Positions* (RIN: 3206-AJ44) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

EC-6066. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule--*Reasonable Accommodation Requirements in Vacancy Announcements* (RIN: 3206-AJ11) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

EC-6067. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule--*Cost-of- Living Allowances (Nonforeign Areas); Commissary/Exchange Rates; Survey Frequency; Gradual Reductions* (RIN: 3206-AJ40) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

EC-6068. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Family Court Transition Plan; to the Committee on Government Reform.

Page H 1149

EC-6076. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule--*Exemption Amendments Under 18 U.S.C. 208(b)(2)* (RIN: 3209-AA09) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

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Committee Meetings:

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations held a hearing on "*The Federal Government's Consolidated Financial Statements: Are They Reliable?*"

Committee on the Judiciary: Held an oversight hearing on "*Restructuring the INS--How the Agency's Dysfunctional Structure Impedes the Performance of its Dual Mission.*"

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Committee Meetings for Wednesday, April 10, 2002:

Committee on Appropriations: @ 1:30 p.m. Subcommittee on the District of Columbia, on Public Safety/Emergency Preparedness/Courts. 2362 Rayburn.

Committee on Government Reform: @ 10:00 a.m. Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on “Enhancing Border Security and Law Enforcement.” 2154 Rayburn.

Committee on the Judiciary: @ 10:00 a.m. To mark up H.R. 3231, Immigration Reform and Accountability Act of 2001. 2141 Rayburn.

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Remarks:

_____ Providing for Consideration of **H. Con. Res. 353**, Concurrent Resolution on the Budget, Fiscal Year 2003.
_____ Langevin Page E 443

Introduction of H.R. 4083, The Corporate Responsibility Act of 2002.

*“...This bill gives legislative substance and real teeth to meritorious portions of President Bush's 10-point plan unveiled several weeks ago regarding corporate disclosure and accountability. This bill supplements the important and comprehensive reforms in **H.R. 3818**, the Comprehensive Investor Protection Act, that I introduced with Minority Leader Gephardt and many other Democratic colleagues in the wake of the Enron collapse. This bill would make it clear that the CEO and CFO are the gatekeepers of honest and understandable disclosure. To the extent that corporate officers violate their duty to shareholders, this legislation empowers the SEC to take action...”*

LaFalce

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Introduction of the Corporate and Criminal Fraud Accountability Act of 2002.

“...One step we can take to prevent corporate wrongdoers from preying on innocent investors and employees is to enact legislation that increases the penalties that companies face for engaging in such rapacious acts...”

Conyers

Page E 463

Terrorism Risk Protection Act.

Biggert

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Next SENATE MEETING: Wednesday, 9:15 a.m., April 10, 2002.

Next HOUSE MEETING: Wednesday, 10:00 a.m., April 10, 2002.

OLA: S. Schwarz, A. Santos